HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 20002 OF 2006

DATED: 26.9.2006

Between:

Rapol Chakali Babaiah

… Petitioner

and

The Commissioner of Police, Cyberabad and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.20002 OF 2006

ORAL ORDER:

The writ petition is misconceived.

The respondents 3 and 4 are alleged to have obtained an order from the Mandal Revenue Officer, Saroornagar Mandal in proceedings dated 7.2.1990 for mutation of the revenue records in respect of Ac.12.21 guntas in Sy.No.48, Jalpally village, Saroornagar Mandal, Ranga Reddy District, in their names.

Aggrieved thereby, the petitioner claiming exclusive title to the lands in question preferred an appeal to the Special Grade Deputy Collector and Revenue Divisional Officer, Ranga Reddy East Division, under Section 5 (5) of the A.P. Rights in land and Pattadar Passbooks Act, 1971 (for short 'the Act'). By the order dated 13.9.2006, the Special Grade Deputy Collector ordered interim suspension of the MRO's order dated 7.2.1990 until further orders and with regard to possession, directed status-quo ante be maintained, pending disposal of the appeal.

One N. Arvind, asserted by the petitioner to be a supervisor of respondents 3 and 4, filed a complaint on 14.9.2006 alleging that the petitioner's sons on 14.9.2006 along with about 100 people, unauthorisedly trespassed into the site with deadly weapons and attacked the workmen there; injured three and damaged the compound wall with crowbars and axes and attempted to murder the workers at the site. This complaint was registered as Cr.No.315 of 2006 on 14.9.2006 alleging offences under Sections 147, 447, 427, 307, 324 r/w 149 IPC against Chakali Narasimha and three others. Chakali Narasimha is stated to be the petitioner's son. At that stage, the writ petition is filed alleging that the respondents 1 and 2 are not implementing the order of the Special Grade Deputy Collector dated 13.9.2006 and preventing the respondents 3 and 4 from making any constructions in the lands in question.

The writ petition in the above factual matrix is misconceived. It is not clear what the expression "status-quo ante" under the order of the Special Grade Deputy Collector dated 13.9.2006, denotes in the factual context. Whether the petitioner was in possession earlier or the respondents 3 and 4 were in possession even earlier and how far back status-quo ante operates in antiquity; are all nebulous issues that ought to be determined before a civil court of competent jurisdiction or any other authority invested and consecrated the jurisdiction to execute the orders of the Special Grade Deputy Collector under the Act. If there is no special statutory dispensation for execution of

these orders, the petitioner must explore the remedies at common law and not before this court under Art.226 of the Constitution, as potentially disputed questions of fact and jurisdiction are involved.

For the aforesaid reasons, the writ petition is dismissed. The petitioner is at liberty to pursue appropriate remedies. No costs.

-
GODA RAGHURAM, J

Date: 26.9.2006
CVM